

REMARKS

The above-identified application was allowed in the Office Action mailed October 14, 2005. The issue fee is being paid concurrently herewith the submission of this Rule 312 Amendment.

After the receipt of the Notice of Allowance, Applicants identified a number of inconsistencies between the allowable subject matter identified in the Examiner's Amendment and the subject matter indicated as allowable in the previous Office Actions. For example, on page 3, ll. 6-9; page 4, ll. 12-14, and page 5, ll. 16-18 of the Examiner's Amendment, the Office canceled subject matter directed to aldehydes, quinones diiminoindoline derivatives, and 3-aminoisoindolone in independent claims 17, 49, and 98. In the Office Action dated May 26, 2005, at page 2, under "Allowable Subject Matter," this subject matter was identified as allowable and as such, Applicants respectfully request inclusion of this subject matter in independent claims 17, 49, and 98. These and other inconsistencies are identified and discussed below.

The Office stated in the Office Action dated April 5, 2004, at page 5, ll. 13-16 that "[s]ince no prior art be[sic] found to anticipate or render obvious the elected species, [t]he examiner has extended the search of the Markush-type claim with respect to a nonelected species, and accordingly, claims 21-25, 30-37, 40-41, 54-55, 58-60, 64-72, 75-76 and 78 are withdrawn from further consideration." In the Office Action dated May 26, 2005, at page 2, line 19- page 3, line 3, the Office, moreover, expressly stated that "claims 17-20, 28-29, 38-39, 42, 44-53, 56-57, 63-64, 73-74 and 79-100 are allowable because the prior art of record do not teach or disclose a dyeing composition comprising . . . at least one compound chosen from *aldehydes, ketones, quinones,*

diiminoindoline derivatives, and 3-aminoindolone derivatives." Office Action dated May 26, 2005, at page 2 (emphasis added). Accordingly, Applicants respectfully request inclusion of this subject matter in claims 17, 49, and 98, as provided in the amendments to the claims herein.

Further inconsistencies can be found by comparing the allowable claims identified in the Office Action dated May 26, 2005, to the allowable claims identified in the Examiner's Amendment dated October 14, 2005. The chart and discussion below summarize these inconsistencies.

	ALLOWABLE CLAIMS										
Office Action dated 5.26.2005	17-20	26-29	38	39	42	44-53	56-57	63-64	73-74		79-100
Examiner's Amendment dated 10.14.2005	17-20	26-29		39		45-53	56-57	61-64	74	77	80-100

Claims 38 and 73 (indicated as containing allowable subject matter in the Office Action dated May 26, 2005) are directed to aldehyde derivatives of formula (XVII). Applicants' Specification at pages 13-15. Applicants further indicate that the Office acknowledged the inclusion of these claims with the subject matter to be prosecuted in the Office Action dated November 11, 2004, at pages 3 and 4. It is unclear to Applicant why this subject matter was allowable in one Office Action, but was not carried over to the Examiner's Amendment.

Claim 42 (indicated as containing allowable subject matter in the Office Action dated May 26, 2005) is directed to various salts. In the Response to Election of Species filed on January 22, 2004, by Applicant and acknowledged by the Office in the Office Action dated April 5, 2005, this subject matter was to be included for prosecution. As such, Applicants respectfully request the inclusion of this claim in the allowable subject matter.

Claims 44 and 79 (indicated as containing allowable subject matter in the Office Action dated May 26, 2005) recited at least one derivative from aldehydes, ketones, quinones, diiminoisoindoline and 3-aminoisoindolone. Applicants' Specification at page 20. Applicants further note that these claims were not included with the Office's listing of withdrawn claims in the Office Action dated November 3, 2004, at page 3. Thus, Applicants again respectfully request clarity as to why in the Office Action dated May 26, 2005, this subject matter was allowable, but was not identified in the allowable subject matter in the Examiner's Amendment.

Claims 61 and 62 (indicated allowable in the Examiner's Amendment dated October 14, 2005) correspond to claims 26 and 27, which were deemed allowable by the Office in both the Office Action dated May 26, 2005, and the Examiner's Amendment. Applicants further note that these claims were not included with the Office's listing of withdrawn claims in the Office Action dated November 3, 2004, at page 3. As such, Applicants have no further issue as to their inclusion as containing allowable subject matter.

Claim 77 (indicated as containing allowable subject matter in the Office Action dated May 26, 2005) is directed to quinone derivatives of formula (XXII). Applicants'

Specification at pages 16-18. Claim 77 contains subject matter that corresponds to claim 41, but claim 41 is not indicated as containing allowable subject matter in the Examiner's Amendment. See Examiner's Amendment at page 5. Applicants further note that these claims were not included with the Office's listing of withdrawn claims in the Office Action dated November 3, 2004, at page 3. Thus, Applicants respectfully request clarification as to why claim 77 contains allowable subject matter but claim 41 does not.

Applicants also bring to the Office's attention the statement made on page 2, line 17 of the Examiner's Amendment, which states that "[i]n claim 17, in page 7, delete line 7 under the formula (VIII)." Line 7, however, is not under formula (VIII). Instead, line 7 encompasses the recitation directed to pyridine derivatives having formula (VII). Applicants believe that the Office's instruction should have been to delete the last line on page 7, i.e., "(8) derivative having formula (IX) and derivatives having formula (X):". This instruction to amend claim 17 corresponds to similar subject matter canceled in the other independent claims, e.g., the Office's instruction on page 4, lines 2 and 3, and page 5, lines 5 and 6. Accordingly, Applicants have made this change in claim 17 found in the attached amendments.

Based on these inconsistencies, Applicants request not only clarification with respect to the claims containing allowable subject matter, but also entry of the above provided amendment.

Each of the requested amendments is fully supported by the specification and drawings, will not require an additional search, and does not raise new issues.

Therefore, Applicants respectfully request that this Amendment be entered and the requested changes made.


In addition, Examiner Elhilo is urged to call Applicants' undersigned representative at 202.408.4345, if a conference call can resolve these or any other issues.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: January 13, 2006

By: 
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